



**FCC 19-36**

**Before the Federal Communications Commission**

**Washington, D.C. 20554**

In the Matter of

*Updating the Commission's Rule for Over-the-Air )*  
*Reception Devices* )

WT DOCKET NO 19-71

To: Office of the Secretary  
Federal Communications Commission, Washington, DC 20554

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**The BioInitiative Working Group Comment on**  
FCC Docket No 19-71  
*Updating the Commission's Rule for Over-the-Air Reception Devices*

The FCC is proposing to expand the pre-emption on private property by changing the OTARD definition to include hub and relay 2-way antennas for satellites and other wireless systems installed on private property. This further infringes on existing local and state zoning and planning authorities, and poses a threat to health, safety and privacy.

If these new rules are adopted, a hub or relay antenna for a network that is located on private property is exempt from local regulation. This would include network systems for utilities, broadband, and satellite transmissions. People, including in rural and low income areas, will be offered monthly income to host these systems on their property, and the facilities will be exempt from permitting, public notice, hearings, RF reports, and land use regulations. This directly affects millions of properties and residents with no oversight, nor consideration of unresolved issues regarding health effects of chronic exposure to non-ionizing radiation.

Without first completing its investigation of RF health effects of low-intensity radiofrequency radiation (Docket No. 13-39, Docket No 13-84 - In the Matter of Reassessment of Federal Communications Commission Radiofrequency Exposure Limits and Policies and Docket No. 03-137 Regarding Human Exposure to Radiofrequency Electromagnetic Fields), the FCC is reckless in giving blanket exemptions that ensure even more RF exposure. This fact alone should stop the FCC from adopting **WT Docket No 19-71**. We have argued the same holds true for speeding and easing the approval of millions of new 'small cell' wireless antenna sites under **Docket 16-421** and argues against permitting thousands of new satellite RF sources (Boeing **Docket No. 16-1244**, SAT-LOA-20160622-00058).

New public safety limits taking into account non-thermal, low-intensity effects of chronic exposure to 900 MHz to the low GHz frequencies are vitally needed but the FCC has failed to complete this step. There is no basis for the FCC to make a positive assertion of safety of existing RF levels to which the public is perpetually exposed. Certainly unaddressed health concerns should stop the FCC from expediting new wireless technologies facilitating new small cell siting and satellite RF sources. The existing FCC public safety limits are grossly inadequate

to protect public health from the body burden of the existing proliferation of RF-emitting devices and the wireless infrastructure supporting them, let alone from new RF sources that will make the situation worse for public health. There is a broad consensus that new, biologically-based public safety limits for chronic exposure are warranted, given the scientific and public health evidence for health risks from low-intensity radiofrequency radiation exposures from wireless technology applications (BioInitiative 2007 and 2012 Reports, accessed at [www.bioinitiative.org](http://www.bioinitiative.org)).

The 2008 NAS Report on Research Needs for Wireless Device summarizes deficiencies for wireless effects on children, adolescents and pregnant women; wireless personal computers and base station antennas; multiple element base station antennas under highest radiated power conditions; hand-held cell phone compliance testing; and better dosimetric absorbed power calculations using realistic anatomic models for both men, women and children of different height and ages. Realistic assessments of cumulative RF exposures need to be addressed, taking into account the high variability in environmental situations; and safety buffers below ‘effects levels’ need to be built into new FCC public safety limits. The FCC has failed to do so. Instead the agency has sold off new spectrum, fails to complete its open reviews on RF health effects, and now proposes to fast-track application procedures for new RF sources.

The FCC ignores studies establishing human health harm at currently permissible exposure levels. The National Toxicology Program under the National Institutes of Health has completed the largest-ever animal study on cell phone radiation and cancer. The relationship between radiofrequency radiation and cancer is clearly established. Dr. John Bucher, Associate Director of the NTP and the lead researcher on this study confirms that the exposure of 1.5 W/Kg is lower than currently allowed for the public, including children, under FCC public safety limits. Testing on rats is standard in predicting human cancers.

The NTP results confirm that cell phone radiation exposure levels within the currently allowed safety limits are the “likely cause” of brain and heart cancers in these animals. Tumors called schwannomas were induced in the heart. Hyperplastic lesions and glial cell neoplasms of the heart and brain observed in male rats are considered likely the result of whole-body exposures to GSM- or CDMA-modulated RFR. One in twelve (12) male rats developed either malignant cancer (glioma) and rare heart tumors. Pre-cancerous lesions were observed that can lead to cancer. The NTP says it is important to release these completed findings now given the implications to global health. No cancers occurred in the control group. The animal study confirms prior findings in epidemiological studies of an increased risk for glioma and acoustic

neuroma among people that use wireless phones, both cell phones and cordless phones (DECT). Acoustic neuroma is a type of Schwannoma, so interestingly this study confirms findings in humans of increased risk for glioma and acoustic neuroma. This supports upgrading the risk in humans to Group 1, the agent is carcinogenic to humans. The NTP evidence has filled the gap on animal toxicity of RF, and has greatly strengthening the evidence of risk for humans. It is sufficient to reclassify cell phone radiation as a known cancer-causing agent, and confirms the inadequacy of existing public safety limits.

The FCC needs to consider mounting evidence that even Wi-Fi level exposures are reported to cause DNA damage, brain damage and heat-shock protein (Dushmukh et al, 2017). The authors report statistically significant effects of subchronic low level microwave radiation (MWR) on cognitive function, heat shock protein 70 (HSP70) level and DNA damage in brain of Fischer rats. Experiments performed on male Fischer rats exposed to microwave radiation for 90 days at three different frequencies: 900, 1800, and 2450 MHz. Animals were exposed to microwave radiation at 900 MHz and specific absorption rate (SAR) 0.0005953 W/kg; animals exposed to 1800 MHz at SAR 0.0005835 W/kg and animals exposed to 2450 MHz at SAR 0.0006672 W/kg. These exposures are roughly equivalent to 1.5 to 2 uW/cm<sup>2</sup>. All the animals were tested for cognitive function using elevated plus maze and Morris water maze at the end of the exposure period and subsequently sacrificed to collect brain tissues. HSP70 levels were estimated by ELISA and DNA damage was assessed using alkaline comet assay. Results showed microwave exposure at 900-2450 MHz with SAR values as mentioned above lead to decline in cognitive function, increase in HSP70 level and DNA damage in brain. They conclude that low level microwave exposure at frequencies 900, 1800, and 2450 MHz may lead to hazardous effects on brain.

Evidence from microRNA studies at Wi-Fi intensities report damage, i.e., modulation of microRNA is presented by Dasdag et al. (2015a, 2015b) in new studies on 900 MHz cell phone radiation and 2450 MHz Wi-Fi levels of exposure. Dasdag et al. (2015b) report that very low intensity Wi-Fi exposures over a year-long period (24 hrs per day) at 141.4 uW/Kg (whole body SAR) and a maximum SAR of 7127 uW/Kg lowered activity of microRNAs in the brain of adult rats. Van den Hove et al. (2014) previously reported miR-107 as epigenetically-regulated miRNA linked to Alzheimer's disease and correlated with changes in neuronal development and neuronal activity.

The scientific evidence is more than sufficient in 2007, and certainly in 2012 ([www.bioinitiative.org](http://www.bioinitiative.org)) that the Commission has not struck the right balance between uncontrolled wireless rollout and health impacts resulting for Americans, particularly for children. The increased risk for cancers, neurological diseases, memory and learning impairment in children, and other serious medical problems associated with wireless technologies and chronic exposure to low-intensity RF are now clearly available to the Commission.

The FCC should not approve streamlining the process for small wireless cell rollout, nor expedite any other approval process for siting of wireless facilities, nor grant exemptions for any RF source or low-power device or enabling network. The incremental increase in daily RF exposure already exceeds human health tolerance. Cumulative effects of RF exposures from multiple wireless devices and environmental exposures are not addressed at all; nor measured or tested under current or proposed FCC rules.

Respectfully submitted:

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## References

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